

James K. Miersma WSBA 22062
Lance E. Olsen WSBA 25130
McCarthy & Holthus, LLP
108 1st Avenue South, Ste. 300
Seattle, WA 98104
Phone (206) 596-4856
Fax (206) 274-4902
Attorney for Creditor

The Honorable Timothy W. Dore
Chapter 7
Hearing Location: Seattle – Telephonic
Dial: 1-888-363-4749
Enter Access Code: 2762430#
Press the # sign
Enter Security Code when prompted: 5334#
Speak your name when prompted
Hearing Date: August 28, 2020
Hearing Time: 9:20am
Response Date: August 21, 2020

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:

Nicholas Clifton Barnard

Debtor

Case No.: 20-11870-TWD

Chapter 7

MOTION FOR RELIEF FROM STAY

Santander Consumer USA Inc. (“Creditor”) moves the Court for an order terminating the automatic stay pursuant to 11 U.S.C. Section 362(d) to permit it to take any and all actions necessary to sell the following described personal property and apply the proceeds to Creditor debt: 2013 Ford C-Max VIN: 1FADP5CU7DL531019. Creditor also moves the Court that enforcement of this order not be stayed for fourteen (14) days pursuant to F.R.B.P 4001(a)(3).

The Debtor purchased a 2013 Ford C-Max VIN: 1FADP5CU7DL531019 (the “Vehicle”), under the Retail Installment Contract dated July 26, 2017, attached to the declaration on file with the court as Exhibit “1” and incorporated by this reference.

Creditor has a valid and perfected security interest in the Vehicle as shown on Exhibit “2” to the declaration on file with the court.

The contract provided for 72 monthly payments of \$411.65 at 15.02%. The contract is

1 past due for January 15, 2020 and all subsequent payments. The total amount past due under the
2 contract is approximately \$2,864.85 as of July 21, 2020.

3 It is not known what, if any, equity there is in the Vehicle since Creditor has not had the
4 opportunity to inspect the Vehicle and does not have information on the Vehicle's condition.
5 However, as of July 21, 2020, the outstanding balance due to Creditor is \$11,469.75. The
6 estimated value of the Vehicle is \$8,250.00.

7
8 Creditor moves for relief based on the grounds that (1) the Debtor is delinquent on
9 payments due under the contract; (2) the interest of Creditor in the Vehicle is not adequately
10 protected and (3) it is not necessary for an effective reorganization.

11
12 THEREFORE, Creditor requests this Court enter an order terminating the automatic stay
13 so that Creditor may be allowed to take any and all actions necessary to sell the Vehicle and
14 apply the proceeds to the balance owing to Creditor.

15
16 Dated: August 6, 2020

McCarthy & Holthus, LLP

17
18 /s/ James K. Miersma

19 James K. Miersma WSBA 22062

20 Lance E. Olsen WSBA 25130

21 Attorney for Creditor
22
23
24
25
26
27
28
29

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

CERTIFICATE OF SERVICE

On 8/6/2020, I served the foregoing **NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY; MOTION FOR RELIEF FROM AUTOMATIC STAY; DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY AND ALL EXHIBITS SUPPORTING THE MOTION AND DECLARATION** on the following individuals by electronic means through the Court's ECF program:

TRUSTEE

Ronald G. Brown
rgblaw@nwlinc.com

DEBTOR(S) COUNSEL

Michelle Carmody Kaplan
michelle@kaplanlawpllc.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Cosmin Catau
Cosmin Catau

On 8/6/2020, I served the foregoing **NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY; MOTION FOR RELIEF FROM AUTOMATIC STAY; DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY AND ALL EXHIBITS SUPPORTING THE MOTION AND DECLARATION** on the following individuals by depositing true copies thereof in the United States mail, enclosed in a sealed envelope, with postage paid, addressed as follows:

DEBTOR

Nicholas Clifton Barnard, 6806 Oswego PL NE #101, Seattle, WA 98115

US TRUSTEE

700 Stewart St Ste 5103, Seattle, WA 98101

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Hue Banh
Hue Banh